

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) No. 18 CR 789
v.)
)
DENY MITROVICH)

PRELIMINARY ORDER OF FORFEITURE

The United States asks this Court to issue a preliminary order of forfeiture pursuant to Title 18, United States Code, Section 2253 and Federal Rules of Criminal Procedure 32.2.

- (a) On November 20, 2018, an indictment was returned charging DENY MITROVICH with possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). The indictment sought forfeiture to the United States of property that was used, or intended to be used, to commit and to promote the commission of the charged offense.
- (b) On March 3, 2022, defendant DENY MITROVICH entered a voluntary plea of guilty to the indictment.
- (c) Pursuant to the terms of the plea agreement and as a result of his violation of 18 U.S.C. § 2252A(a)(5)(B), defendant DENY MITROVICH agreed that certain property, including but not limited to: (1) one Western Digital External Hard Drive, bearing serial number WCARW6062159, (2) one Hitachi Internal Hard Drive, bearing serial number HN07304A, and (3) one Western Digital Internal Hard Drive, bearing serial number WCASY1307751, is subject to forfeiture pursuant to the provisions of 18 U.S.C. § 2253.
- (d) Defendant DENY MITROVICH has agreed to the entry of a preliminary order of forfeiture relinquishing any right, title or interest he has in the foregoing property pursuant to 18 U.S.C. § 2253, for disposition according to law.

(e) The United States requests that this Court enter a preliminary order of forfeiture against defendant DENY MITROVICH as to: (1) one Western Digital External Hard Drive, bearing serial number WCARW6062159, (2) one Hitachi Internal Hard Drive, bearing serial number HN07304A, and (3) one Western Digital Internal Hard Drive, bearing serial number WCASY1307751, because the property was used, or intended to be used, to commit and to promote the commission of the offense of conviction.

(f) Accordingly, this Court orders that a preliminary order of forfeiture be entered against defendant DENY MITROVICH as to the foregoing property. Pursuant to 18 U.S.C. § 2253 and Fed. R. Crim. P. 32.2, all right, title, and interest of the defendant in the foregoing property named in this order shall be forfeited to the United States for disposition according to law.

(g) Pursuant to 18 U.S.C. § 2253 and Fed. R. Crim. P. 32.2, the terms and conditions of this preliminary order of forfeiture shall be made part of the sentence imposed against the defendant and recited in any judgment and commitment order entered in the case. In accordance with Rule 32.2(b)(4)(A), at sentencing-or at any time before sentencing if the defendant consents-the preliminary order of forfeiture, will become final as to the defendant. Pursuant to Rule 32.2(c), if a third party files a petition asserting an interest in the property to be forfeited, this Court must hold a hearing to determine his rights. Pursuant to 21 U.S.C. § 853(n)(2), as incorporated by 18 U.S.C. § 2253(b), third parties have 30 days from the publication of notice or receipt of notice, whichever is earlier, to file a petition. The preliminary order of forfeiture will remain preliminary as to third parties until such an ancillary proceeding, if required, can be conducted under Rule 32.2(c). After disposition of all third party interests, this Court shall, upon the

government's motion if appropriate, enter a final order of forfeiture for the property that is the subject of this preliminary order of forfeiture, thereby vesting clear title in the United States of America.

(h) Pursuant to 21 U.S.C. § 853(g), as incorporated by 18 U.S.C. § 2253(b), and Fed. R. Crim. P. 32.2, upon entry of this preliminary order of forfeiture the foregoing property shall be seized by the Federal Bureau of Investigation.

(i) This Court shall retain jurisdiction to take such additional action and enter such further orders as may be necessary to implement and enforce this preliminary forfeiture order.



GARY S. FEINERMAN
United States District Judge

DATED: 12/19/2022